

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 19, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application. Claims 13-17 are added by this amendment. Claim 1 is an independent claim. By means of the present amendment, claims 1-12 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include changing "characterized in that" to --wherein--, correcting typographical errors, amending dependent claims to begin with "The" as opposed to "A" as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-12 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority

In the Office Action, the specification is objected to because of a presence of a drawing of a control unit on page 10. In response, that drawing has been deleted herein. Applicants respectfully request approval of the changes to the specification and withdrawal of the objection to the specification.

Claims 10 and 11 are objected to for informalities. Claims 10 and 11 are amended herein for better conformance to U.S. practice as discussed above which addresses the informalities noted in the Office Action. Accordingly, it is respectfully submitted that claims 10 and 11 are in proper form and it is respectfully requested that the objection to claims 10 and 11 be withdrawn.

In the Office Action, claims 1-12 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,447,756 to Kohmoto ("Kohmoto") in view of U.S. Patent No. 3,377,494 to Repsher ("Repsher") or Japanese Patent No. JP 60047365A to Urata ("Urata"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-17 are allowable over Kohmoto in view of Repsher and Urata for at least the following reasons.

Kohmoto discloses coating an inner surface 12 with two superposed luminescent layers 14 and 16. (See col. 1, lines 60-62). The Office Action references Kohmoto, col. 2, paragraph 2 as teaching the softening particles of the luminescent layer of claim 1. However, it is respectfully submitted that reliance on this portion of Kohmoto or any portion for that matter is misplaced.

Kohmoto in Col. 2, paragraph 2 states (emphasis added):

When the luminescent layer 16 is composed of a mixture of three types of phosphors, i.e. blue emitting-phosphor, green-emitting phosphor and red-emitting phosphor, each phosphor has a different particle size, wherein the smaller particle size, the greater the density of the phosphor. Any phosphor may be used in this invention. As a blue-emitting phosphor one may select at least one from europium-activated chloride phosphate and europium-activated barium magnesium aluminate. As a green-emitting phosphor one may select at least one from the group of cerium and terbium-activated yttrium silicate, cerium and terbium-activated magnesium aluminate, cerium and terbium-activated lanthanum phosphate and cerium and terbium-activated aluminum phosphate. As a red-emitting phosphor one may select europium-activated yttrium oxide. Because these phosphors are activated by rare earth elements, they show a high light output and desired color rendition. Additionally, the desired luminescence can be obtained by mixing three types phosphors in the proper ratio.

Accordingly, it is respectfully submitted that all Kohmoto shows is a luminescent layer comprising a luminescent material of three phosphors, one of each of a blue, green and red emitting

phosphor. Kohmoto does not teach, disclose or suggest that the comprises a luminescent layer comprising a luminescent material and softening particles.

The Office Action takes a position that "since particle material of Kohmoto is same as of applicant it inherently has similar softening point), and the size of the softening particles in the range from 0.01 to 10 μm (see last paragraph of column 3)" (see, Office Action, page 3). While Kohmoto at page 3, last paragraph does describe a particle size of the luminescent material, namely, blue, green and red phosphors, it is respectfully submitted that Kohmoto is completely devoid of a teaching of a luminescent layer comprising a luminescent material and softening particles.

It is respectfully submitted that the Applicants were well aware that in prior systems, "[a] luminescent layer comprising a luminescent material may be present on an inner wall of the discharge vessel to convert UV to other wavelengths, for example, to UV-B and UV-A for tanning purposes (sun panel lamps) or to visible radiation for general illumination purposes." (See, present application, page 1, lines 6-9.) However, it is the Applicants that recognized that the "[a] A drawback of the use of

the known low-pressure mercury vapor discharge lamp is that the maintenance still is relatively poor. As a result, in addition, a relatively large amount of mercury is necessary for the known lamp in order to realize a sufficiently long service life. In the case of injudicious processing after the end of the service life, this is detrimental to the environment." (See, present application, page 2, lines 8-12.)

It is respectfully submitted that the low-pressure mercury vapor discharge lamp of claim 1 is not anticipated or made obvious by the teachings of Kohmoto. For example, Kohmoto does not teach, disclose or suggest, a low-pressure mercury vapor discharge lamp that amongst other patentable elements, comprises (illustrative emphasis added) "a luminescent layer covering the protective layer and having a luminescent material and inorganic softening particles with a softening point above 450°C, wherein a size of the softening particles is in a range from 0.01 to 10 μ m" as recited in claim 1.

It is respectfully submitted that Kohmoto merely shows a luminescent layer comprising a luminescent material made up of three different colored phosphors.

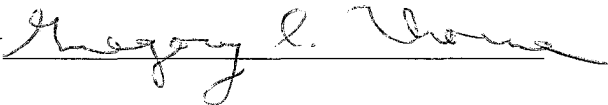
Repsher and Urata do nothing to cure the deficiencies in Kohmoto.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Kohmoto in view of Repsher and Urata and notice to this effect is earnestly solicited. Claims 2-17 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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